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NO FEE - GOV'T CODE §6103

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Superior Court of California
County of Los Angeles

JUN 15 2017

Sherri R. Conner, Executive Officer/Clerk
By: M. Soto, Deputy
Moss Soto

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

FELIPE TALAMANTE, an individual; PRODIGIOS
GARCIA TALAMANTE, an individual; and DOES 1
through 50, inclusive,

Defendants.

Case No.:

BC 665310

**COMPLAINT FOR ABATEMENT
AND INJUNCTION**

[HEALTH & SAF. CODE
SECTION 11570, *ET SEQ.*; CIVIL
CODE SECTION 3479, *ET SEQ.*;
BUSINESS AND PROFESSIONS
CODE SECTION 17200, *ET SEQ.*]

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California ("People"), for the purpose of abating a dangerous narcotics-related public nuisance which exists at a multi-unit residential property located at 5215, 5215 ¼, 5215 ½ and 5217 Marmion Way in Northeast Los Angeles ("Property"). The Action is brought pursuant to the Narcotics Abatement Law ("NAL"), California Health and Safety Code section 11570, *et seq.*; the Public Nuisance Law ("PNL"), Civil Code sections 3479-3480; and, the Unfair Competition Law ("UCL"), Business and Professions Code section 17200, *et seq.*

1 2. For at least the past two years, the Property has been, and continues to be, a
2 narcotics nuisance where large scale narcotics sales and distribution of cocaine and other
3 controlled substances takes place on a regular and continuous basis to drug users and buyers
4 who go to the Property to purchase drugs, all while a child care business has been operating
5 at the Property. Two narcotics search warrants have been served by law enforcement at the
6 Property within the last two years, with 20 kilograms of cocaine¹ being recovered at the
7 Property each time.

8 3. Defendants FELIPE TALAMANTE ("Defendant F. Talamante") and PRODIGIOS
9 GARCIA TALAMANTE ("Defendant P. Talamante") (collectively "Defendants") own and live at
10 the property located at 5215 Marmion Way. Defendant F. Talamante is a narcotics distributor
11 directly involved in the drug sales occurring at the Property. Defendant F. Talamante receives
12 cocaine, methamphetamine, heroin, and marijuana directly from Mexico and sells them to
13 customers in cities throughout the United States. F. Talamante has been arrested twice for
14 narcotics sales, on both occasions search warrants were served at the Property.

15 4. On June 25, 2015, a search warrant was served at the Property. Three
16 kilograms of cocaine were recovered from 5215 Marmion Way and 17 kilograms of cocaine
17 were recovered from 5215 ¼ Marmion Way. Defendant F. Talamante was arrested for
18 narcotics sales. On May 25, 2017, another search warrant was served at the Property.
19 Twenty kilograms of cocaine were recovered from 5215 Marmion Way, along with bindles of
20 cocaine in individual baggies, two rocks of cocaine, and two digital scales. Defendant F.
21 Talamante was arrested for narcotics sales and child endangerment. During the surveillance
22 prior to service of the search warrant, investigators determined that Defendants were operating
23 a child daycare out of their Property. Investigators observed numerous young children playing
24 on the patio of the residence and children of all ages being picked up and dropped off at the
25 Property throughout the day. This "daycare" is not a licensed, lawfully operated business.
26 Also, a small child size mattress was found in the same room as the 20 kilograms of cocaine.
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¹ 20 kilograms of cocaine is worth approximately \$430,000 in U.S. currency.

1 5. Plaintiff is filing this lawsuit in an effort to protect public safety as it is only a
2 matter of time before a child or adult is seriously injured – or killed – as a result of the criminal
3 activity occurring at the Property. A location storing and selling such large quantities of
4 narcotics is a magnet for violence as robberies and murders are common as criminals will try
5 and steal the narcotics and money involved with this type of activity. The people in the
6 surrounding neighborhood cannot be expected to perpetually endure this continuous volatile
7 and dangerous nuisance activity. The intent of this nuisance abatement prosecution is to halt
8 the unacceptable state of affairs at the Property.

9 **II. THE PARTIES AND THE PROPERTY**

10 **A. Plaintiff**

11 6. Plaintiff, the People, is the sovereign power of the State of California designated
12 in Health and Safety Code section 11571, Code of Civil Procedure section 731, and Business
13 and Professions Code section 17204, to be the complaining party in law enforcement actions
14 brought to abate, enjoin, and penalize public nuisances.

15 7. At all times mentioned herein, the City of Los Angeles, was and still is a
16 municipal corporation with a population in excess of 750,000 people, organized and existing
17 under the laws of the State of California for purposes of standing under Business and
18 Professions Code section 17204.

19 **B. Defendants**

20 8. Defendants F. Talamante and P. Talamante are the current owners of the
21 Property and have been since at least May 2007. Defendant F. Talamante lives at the
22 Property and is directly responsible for the drug trafficking, drug distribution, and drug sales
23 occurring at the Property. F. Talamante has been arrested twice at the Property for narcotics
24 sales and child endangerment. F. Talamante's wife, Defendant P. Talamante, also lives at the
25 Property and is directly or indirectly responsible for the drug trafficking, drug distribution, and
26 drug sales occurring at the Property.

27 9. At all times mentioned herein, Defendants have owned, occupied, controlled
28 and/or operated the Property, and/or have acted in the capacity of owners and/or lessors of the

1 Property. Plaintiff is informed and believes and thereon alleges that Defendants have directly
2 or indirectly permitted individuals to rent and/or live at and/or visit the Property and use it for
3 illegal and unlawful purposes, including narcotics sales. Plaintiff is informed and believes and
4 thereon alleges that Defendants by facilitating and/or participating in the drug sales, drug
5 distribution, and drug usage at the Property, and by creating and/or contributing to an unsafe
6 atmosphere throughout the entire neighborhood, is directly and/or indirectly responsible for
7 conducting and maintaining the nuisance as alleged herein, thereby violating the Narcotics
8 Abatement Act and Public Nuisance Law.

9 10. The true names and capacities of defendants sued herein as Does 1 through 50,
10 inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious
11 names. When the true names and capacities of said defendants have been ascertained,
12 Plaintiff will seek leave of Court to amend this Complaint and to insert in lieu of such fictitious
13 names the true names and capacities of said fictitiously named defendants.

14 **C. The Property**

15 11. The Property is a multi-unit residence located at the commonly known addresses
16 of 5215 Marmion Way, 5215 ¼ Marmion Way, 5215 ½ Marmion Way, and 5217 Marmion Way,
17 Los Angeles, California 90042, in Northeast Los Angeles.² It sits on the corner of a block of
18 well-kept single family homes. The Property lies within 900 feet of Monte Vista Elementary
19 School located at 5423 Monte Vista.

20 **III. THE NARCOTICS ABATEMENT LAW**

21 12. The abatement of a nuisance is a long established and well-recognized exercise
22 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel.*
23 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
24 principal purpose of the NAL (Health & Saf. Code, § 11570, et seq.) is the abatement of
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26
27 ² The Property's legal description is: "The Easterly 50 Feet of Lots 11 and 13 in Block 6 of the
28 Subdivision of certain lots of Highland Park Tract, in the City of Los Angeles, County of Los Angeles,
State of California, as per Map recorded in Book 6 Pages 392 of Miscellaneous Records, in the Office
of the County Recorded of Said County." The Los Angeles County Assessor's Parcel Number for the
Property is 5468-018-017.

1 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,
2 manufacturing, or giving away any controlled substance, precursor, or analog specified in this
3 division" (Health & Saf. Code, § 11570).

4 13. The NAL provides that every building or place used for the purpose of unlawfully
5 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
6 precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and
7 prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570
8 [emphasis added]; *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v.*
9 *Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

10 14. Health and Safety Code section 11571 authorizes a city attorney to bring an
11 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:
12 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,
13 maintained, or exists in any county, the district attorney of the county, or the city attorney of
14 any incorporated city or of any city and county, in the name of the people, may . . . maintain an
15 action to abate and prevent the nuisance and perpetually to enjoin the person conducting or
16 maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
17 nuisance exists from directly or indirectly maintaining or permitting the nuisance."

18 15. Health and Safety Code section 11573(a) provides that: "If the existence of the
19 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
20 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction
21 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In
22 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the
23 removal and sale of all fixtures and movable property on the premises used in aiding or
24 abetting the nuisance and for the closure of the building for up to one year.

25 IV. THE PUBLIC NUISANCE LAW

26 16. Civil Code section 3479 defines a public nuisance as "[a]nything which is
27 injurious to health, including, but not limited to, the illegal sale of controlled substances, or is
28 indecent or offensive to the senses, or an obstruction to the free use of property, so as to

1 interfere with the comfortable enjoyment of life or property" (See *City of Bakersfield v.*
2 *Miller* (1966) 64 Cal.2d 93, 99 ["The Legislature has defined in general terms the word
3 'nuisance' in Civil Code section 3479"].)

4 17. Civil Code section 3480 defines a public nuisance as "one which affects at the
5 same time an entire community or neighborhood, or any considerable number of persons,
6 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

7 18. In particular, gang activity, such as drug dealing, loitering, consumption of alcohol
8 and illegal drugs, and boisterous conduct which creates a "hooligan-like atmosphere"
9 constitutes a public nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

10 19. Civil Code section 3491 provides that the "remedies against a public nuisance
11 are indictment or information, a civil action or abatement." Abatement is "accomplished by a
12 court of equity by means of an injunction proper and suitable to the facts of each case."
13 (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

14 20. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
15 to enjoin or abate a public nuisance. It provides in relevant part "[a] civil action may be brought
16 in the name of the people of the State of California to abate a public nuisance . . . by the city
17 attorney of any town or city in which such nuisance exists."

18 21. Where "a building or other property is so used as to make it a nuisance under the
19 statute, the nuisance may be abated . . . , notwithstanding that the owner had no knowledge
20 that it was used for the unlawful purpose constituting a nuisance." (*People ex rel. Bradford v.*
21 *Barbiere* (1917) 33 Cal.App. 770, 779; see also *Sturges v. Charles L. Harney, Inc.* (1958) 165
22 Cal.App.2d 306, 318 ["a nuisance and liability therefore may exist without negligence"]; *People*
23 *v. McCadden* (1920) 48 Cal.App. 790, 792 ["A judgment supported on findings that such
24 nuisance was conducted and maintained on the premises in question, regardless of the
25 knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is
26 unnecessary."]; *People v. Peterson* (1920) 45 Cal.App. 457, 460 ["[I]t was not necessary . . .
27 for the trial court to find either, that the [defendants] threatened, and unless restrained, would
28 continue to maintain, aid, and abet, the nuisance, or that they knew the building was used in

1 violation of the act. . . . The existence of the nuisance was the ultimate fact in this case, and
2 having been found, supports the judgment."].) This is because "the object of the act is not to
3 punish; its purpose is to effect a reformation of the property itself." (*People v. Bayside Land*
4 *Co.* (1920) 48 Cal.App. 257, 261.)

5 **V. The Unfair Competition Law**

6 22. The practices prohibited by Business and Professions Code section 17200, are
7 "any practices forbidden by law, be it civil or criminal, federal, state, or municipal, statutory,
8 regulatory, or court-made. It is not necessary that the predicate law provide for private civil
9 enforcement. As the California Supreme Court put it, Business and Professions Code section
10 17200, borrows violations of other laws and treats them as unlawful practices independently
11 actionable under Business and Professions Code section 17200, et seq. (*South Bay Chevrolet*
12 *v. General Motors Acceptance Corp.* (1999) 72 Cal. App. 4th 861, 880 (internal citations and
13 quotation marks omitted).)

14 23. As proscribed by the UCL, "[a]n 'unlawful business activity' includes anything that
15 can properly be called a business practice and that at the same time is forbidden by law."
16 (*People v. McKale* (1979) 25 Cal.3d 626, 632.) Moreover, the UCL casts a broad net. "Any
17 person performing or proposing to perform an act of unfair competition may be enjoined . . ."
18 (Bus. & Prof. Code, § 17203.) The term person includes "natural persons, corporations, firms,
19 partnerships, joint stock companies, associations and other organizations of persons." (Bus. &
20 Prof. Code, § 17201.) The courts have expanded section 17200's net beyond direct liability to
21 include common law doctrines of secondary liability where the liability of each defendant is
22 predicated on his or her personal participation in the unlawful practices. (*People v. Toomey*
23 (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int'l Service Ass'n* (2002) 95 Cal.App.4th 952,
24 960.)

25 24. Civil actions under section 17200, et seq., may be brought in the name of the
26 People of the State of California by any city attorney of a city having a population in excess of
27 750,000 (Bus. & Profs. Code, § 17204), such as the City of Los Angeles. A public entity can
28 sue pursuant to section 17200 based on violations of its own municipal code, state law, or

1 other local ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th
2 330, 338-339.)

3 25. Defendants engaging in violations of the UCL may be enjoined in any court of
4 competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders or
5 judgments, including appointment of a receiver, as may be necessary to prevent the use or
6 employment by any person of any practice constituting unfair competition. (*Id.*)

7 26. Although no case has specifically been called upon to define the term "business" in
8 section 17200, the courts have frequently given a broad reading to the provisions of the UCL
9 so as to affect its broad remedial purposes. (See, e.g., *Barquis v. Merchants Collection Ass'n*
10 (1972) 7 Cal.3d 94, 111-113.) For instance, an enterprise engaged entirely in criminal
11 conduct is a business for purposes of section 17200. (*People v. EWAP, Inc.* (1980) 106
12 Cal.App.3d 315, 320-321.) Moreover, recent amendments to section 17200 make clear that
13 even a one-time act of misconduct can constitute a violation of the UCL. (*Klein v. Earth*
14 *Elements, Inc.* (1997) 59 Cal.App.4th 965, 969.)

15 **VI. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

16 **[Health and Safety Code Section 11570, et seq. --**

17 **Against Defendants and DOES 1 through 50]**

18 27. Plaintiff hereby incorporates by reference paragraphs 1 through 26 of this
19 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

20 28. On a continuous and ongoing basis, from an exact date unknown, but since at
21 least 2015, the Property has been and is *currently* being used for the purposes of unlawfully
22 selling, serving, storing, keeping, manufacturing or giving away controlled substances in
23 violation of Health and Safety Code section 11570, et seq. Narcotics are sold on the Property
24 to drug buyers who are notified by Defendant F. Talamante to go there to purchase narcotics.

25 29. Defendants, and DOES 1 through 50, are responsible for conducting,
26 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff has
27 no plain, speedy and adequate remedy at law and unless Defendants, and DOES 1 through
28 50, are restrained and enjoined by order of this Court, they will continue to use, occupy and

1 maintain, and/or to aid, abet or permit, directly or indirectly, the use, occupation and
2 maintenance of the Property, together with the fixtures and appurtenances located therein, for
3 the nuisance complained of herein, to the great and irreparable damage of the public and in
4 violation of California law.

5 **VII. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

6 **[Civil Code Section 3479, *et seq.* --**

7 **Against Defendants and DOES 1 through 50]**

8 30. Plaintiff incorporates by reference Paragraphs 1 through 29 of this Complaint and
9 makes them part of this Second Cause of Action as though fully set forth herein.

10 31. On a continuous and ongoing basis, from an exact date unknown, but since at
11 least 2015, through the present time, the Property has been owned, operated, occupied, used,
12 and/or directly or indirectly permitted to be occupied and used, in such a manner as to
13 constitute a public nuisance in violation of Civil Code sections 3479 and 3480. The public
14 nuisance, as described herein, is injurious to health, indecent or offensive to the senses,
15 and/or an obstruction to the free use of property, so as to substantially and unreasonably
16 interfere with the comfortable enjoyment of life or property by those persons living in the
17 surrounding community. The public nuisance at the Property consists of, but is not limited to:
18 the illegal narcotics trafficking, sales, storage, and distribution committed at the Property while
19 simultaneously running a daycare business at the Property; and the Property's attraction of
20 numerous drug buyers, sellers, and distributors into the surrounding neighborhood.

21 32. Defendants, and Does 1 through 50, in owning, conducting, maintaining, and/or
22 permitting the use of the Property, directly or indirectly, as a public nuisance, have engaged in
23 wrongful conduct and caused a serious threat to the general health, safety and welfare of the
24 children staying in the daycare at the Property as well as other law-abiding persons in the area
25 surrounding the Property.

26 33. Unless Defendants, and DOES 1 through 50, are restrained and enjoined by
27 order of this Court, they will continue to use, occupy and maintain, and to aid, abet or permit,
28 directly or indirectly, the use, occupation, and maintenance of the Property, together with the

1 fixtures and appurtenances located therein, for the purpose complained of herein, to the great
2 and irreparable damage of Plaintiff and in violation of California law.

3 **VIII. THIRD CAUSE OF ACTION FOR UNFAIR COMPETITION LAW**

4 **[Business and Professions Code**

5 **Section 17200 et seq. --**

6 **Against Defendants and DOES 1 through 50]**

7 34. Plaintiff incorporates by reference Paragraphs 1 through 33 of this Complaint and
8 makes them part of this Third Cause of Action as though fully set forth herein.

9 35. The California Day Care Act, Health and Safety Code section 1596.80, et seq.
10 sets out specific requirements that must be fulfilled in order to operate, establish, manage,
11 conduct, or maintain a child day care facility within the State of California.

12 36. Pursuant to Health and Safety Code section 1596.80 "[n]o person . . . shall
13 operate, establish, manage, conduct, or maintain a child day care facility in this state without a
14 current valid license therefore as provided by this act."

15 37. The ownership and operation of a child day care facility or "daycare" is a
16 business. When a child day care facility is unlicensed and operating in violation of Health and
17 Safety Code section 1596.80 it is also a violation of the Unfair Competition Law.

18 38. Defendants have violated the California Day Care Act, Health and Safety Code
19 section 1596.80, et seq., by operating, establishing, managing, conducting, or maintaining a
20 child day care facility at the Property without a current valid license as required by Health and
21 Safety Code section 1596.80 and failing to adhere to the licensing requirements set out by the
22 California Day Care Act, Health and Safety Code section 1596.80, et seq., from an unknown
23 date, but within the last four years.

24 39. By violating the California Day Care Act, Health and Safety Code section
25 1596.80, et seq., including and not limited to Health and Safety Code section 1596.80,
26 Defendants have engaged in an unlawful business acts and practices, within the meaning of
27 and in violation of California Business and Professions Code section 17200, et seq. (See
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1 *Kasky v. Nike, Inc.* (2002) 27 Cal.4th 939, 950; *Cel-Tech Communications, Inc. v. Los Angeles*
2 *Cellular Telephone Co.* (1999) 20 Cal.4th 163, 180.)

3 40. Plaintiff has no adequate remedy at law, and unless Defendants and DOES 1
4 through 50 are restrained by this Court and a receiver is appointed to manage the Property,
5 they will continue to commit unlawful business practices or acts, thereby causing irreparable
6 injury and harm to the public's welfare.

7 **PRAYER**

8 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
9 **DECREE AS FOLLOWS:**

10 **AS TO THE FIRST CAUSE OF ACTION:**

11 1. That Defendants, DOES 1 through 50, and the Property, be declared in violation
12 of Health and Safety Code section 11570, *et seq.*

13 2. That the Property, together with the fixtures and moveable property therein and
14 thereon, be found to constitute a public nuisance and be permanently abated as such in
15 accordance with Section 11581 of the California Health and Safety Code.

16 3. That the Court grant a preliminary injunction, permanent injunction and order of
17 abatement in accordance with Section 11570, *et seq.* of the California Health and Safety Code,
18 enjoining and restraining each Defendant and their agents, officers, employees and anyone
19 acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing, or
20 giving away controlled substances on the Property.

21 4. That the Court order physical and managerial improvements to the Property in
22 accordance with Health and Safety Code section 11573.5, and such orders as are otherwise
23 appropriate, to remedy the nuisance on the Property and enhance the abatement process.

24 5. That as part of the Judgment, an Order of Abatement be issued, and that the
25 Property be closed for a period of one year, not to be used for any purpose, and be under the
26 control and custody of this Court for said period of time.

27 6. That Defendants and DOES 1 through 50 each be assessed a civil penalty in an
28 amount not to exceed twenty-five thousand dollars (\$25,000.00).

1 7. That all fixtures and moveable property used in conducting, maintaining, aiding or
2 abetting the nuisance at the Property be removed by the LAPD and sold in the manner
3 provided for the sale of chattels under execution. Said fixtures and property shall be
4 inventoried and a list prepared and filed with this Court.

5 8. That there shall be excepted from said sale, such property to which title is
6 established in some third party not a defendant, nor agent, officer, employee or servant of any
7 defendant in this proceeding.

8 9. That the proceeds from said sale be deposited with this Court for payment of the
9 fees and costs of sale. Such costs may occur in closing said Property and keeping it closed,
10 removal of said property, and Plaintiff's costs in the action, including attorneys' fees, and such
11 other costs as the Court shall deem proper.

12 10. That if the proceeds of the sale do not fully discharge all such costs, fees and
13 allowances, the Property shall also be sold under execution issued upon the order of the Court
14 or judge and the proceeds of such sale shall be applied in a like manner. That any excess
15 monies remaining after payment of approved costs shall be delivered to the owner of said
16 Property. Ownership shall be established to the satisfaction of this Court.

17 11. That Defendants, DOES 1 through 50, and any agents, trustees, officers,
18 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually
19 enjoined from transferring, conveying, or encumbering any portion of the Property, for
20 consideration or otherwise, without first obtaining the Court's prior approval.

21 12. That Defendants, and DOES 1 through 50, be ordered to immediately notify any
22 transferees, purchasers, commercial lessees, or other successors in interest to the subject
23 Property of the existence and application of any temporary restraining order, preliminary
24 injunction, or permanent injunction to all prospective transferees, purchasers, commercial
25 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or
26 transfer the Property, for consideration or otherwise, all or any portion of the Property that is
27 the subject of this action.

28 13. That Defendants, and DOES 1 through 50, be ordered to immediately give a

1 complete, legible copy of any temporary restraining order and preliminary and permanent
2 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest
3 to the Property.

4 14. That Defendants, and DOES 1 through 50, be ordered to immediately request
5 and procure signatures from all prospective transferees, purchasers, lessees, or other
6 successors in interest to the subject Property, which acknowledges his/her respective receipt
7 of a complete, legible copy of any temporary restraining order, preliminary and permanent
8 injunction, and deliver a copy of such acknowledgment to the Los Angeles City Attorney's
9 Office, c/o Deputy City Attorney Jennifer Varela or her designee.

10 15. That Plaintiff recover the costs of this action, including law enforcement
11 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
12 \$1,000,000.00, from Defendant and DOES 1 through 50.

13 AS TO THE SECOND CAUSE OF ACTION

14 1. That the Property, together with the fixtures and moveable property therein and
15 thereon, be declared a public nuisance and be permanently abated as such in accordance with
16 Civil Code section 3491.

17 2. That each Defendant and their agents, officers, employees and anyone acting on
18 their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from
19 operating, conducting, using, occupying, or in any way permitting the use of the Property as a
20 public nuisance. Such orders should include, but not be limited to physical and managerial
21 improvements to the Property, stay away orders for persons who have contributed to the
22 nuisance at the Property, not allowing a daycare business to operate at the Property and such
23 other orders as are appropriate to remedy the nuisance on the Property and enhance the
24 abatement process.

25 3. Such costs as may occur in abating said nuisance at the Property and such other
26 costs as the Court shall deem just and proper.

27 4. That Plaintiff be granted such other and further relief as the Court deems just and
28 proper, including closure and/or demolition of the Property.

1 AS TO THE THIRD CAUSE OF ACTION

2 1. That each Defendant be declared in violation of Business and Professions Code
3 section 17200.

4 2. That each Defendant, as well as their agents, heirs, successors, and anyone
5 acting on its behalf, be permanently enjoined from maintaining, operating, or permitting any
6 unlawful or unfair business acts or practices in violation of Business and Professions Code
7 section 17200, including enjoining Defendants from operating any child day care facility and
8 having any children at the Property under the age of 18.

9 3. That the Court grant a temporary restraining order, preliminary and/or permanent
10 injunction prohibiting each Defendant, as well as their agents, heirs, successors, and anyone
11 acting on its behalf, from engaging in the unlawful or unfair acts and/or practices described
12 herein at the Property and in the City of Los Angeles.

13 4. That, pursuant to Business and Professions Code section 17206, each
14 Defendant be assessed a civil penalty of Two Thousand Five Hundred Dollars (\$2,500) for
15 each and every act of unfair competition.

16 5. That, pursuant to the Court's equitable power and Business and Professions
17 Code section 17203, the Court make such orders or judgments, including appointment of a
18 receiver, to eliminate the unfair competition alleged herein.

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1 AS TO ALL CAUSES OF ACTION

2 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
3 the service of process or notices which would have been paid but for Government Code
4 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
5 amount of the fees for certifying and preparing transcripts.

6 2. That Plaintiff be granted such other and further relief as the Court deems just and
7 proper.

8
9 DATED: June 15, 2017

Respectfully submitted,

10 MICHAEL N. FEUER, City Attorney

11 JONATHAN CRISTALL, Supervising Assist. City Attorney

12
13 By:  _____

14 JENNIFER VARELA, Deputy City Attorney
15 Attorneys for Plaintiff, THE PEOPLE OF THE STATE
16 OF CALIFORNIA
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